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August 15, 2019

District Judge Edward R. Korman
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: 1:19-cv-02886-ERK-PK
Engram v. Wyeth Consumer Healthcare LLC

Dear District Judge Korman:

This office, along with co-counsel Michael Reese, of Reese LLP, represents the plaintiff. In accordance with your Honor's Individual Motion Practices, this letter requests an extension of time to prove service to the Court. Section II(D).

The original date by which service was required to be proved was Wednesday, August 14, 2019. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends). No previous requests for extensions of time have been sought, granted or denied. The adversary has not consented to this request. The requested extension does not affect any other scheduled dates.

The reason for the extension is because defendant has not returned a signed waiver of service, which was mailed on July 8, 2019, to defendant's registered agent in its state of formation. Fed. R. Civ. P. 4(d)(1)(C). On July 29, 2019, I received a call from an attorney at a large firm in New York City. I was told, or I understood, that this firm would be representing defendant and return the waiver, and my email to counsel shortly after confirmed my expectation.

Earlier today, I contacted the same attorney to inquire about the waiver. I was informed by the attorney that the defendant did not retain nor authorize said attorney to execute the waiver of service. I should have contacted the attorney prior to today and in the future, I intend to always do this. Nevertheless, prior to submitting this letter, I have arranged for service to be carried out by a process server upon defendant's registered agent in its state of formation. It is expected service will be made no later than Monday, August 19, 2019.

Plaintiff requests an extension of 30 days to prove service to the Court, until Monday, September 16, 2019, to obtain and file an executed waiver, instead of the process server's affidavit of service. Fed. R. Civ. P. 4(d)(4) ("Results of Filing a Waiver"). This will make it less likely, given that defendant does not appear to have retained counsel, to request an extension of time to move or answer and conserve judicial resources. Thank you.

Respectfully submitted,

/s/ Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on August 15, 2019, I served the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email
Defendant's Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Plaintiff's Counsel</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Spencer Sheehan
Spencer Sheehan